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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,598	10/17/2003	Yu Zheng	PAT-1357-CON	2273
7590 02/13/2006			EXAMINER	
Raymond Sun 12420 woodhall Way Tustin, CA 92782			YIP, WINNIE S	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,598

Applicant(s)

ZHENG, YU

Examiner

Winnie Yip

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Part II DETAILED ACTION

This office action is in response to applicant's amendment filed on November 10, 2005.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the feature of “an amusement feature provided on the fabric of the angled panel” (claim 21) must be shown or the feature canceled from the claim. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. Claims 17-18 and 20-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (UK Patent NO. 2,340,516) in view of Bates (US Patent No. 5,437,069).

Stewart shows and teaches a collapsible structure comprising two panels each having a loop of foldable frame member (4, 6) having a folded and unfolded orientation, a fabric material (24, 26) covering the frame member to form a flat panel when the frame member is in the unfolded orientation, each panel being collapsed to a small sized by twisting and folding the frame member (see Fig. 1), each panel having an upper side (16) and a bottom side (18), the two panels being connected and maintained each other at an angel by suitable hinge means at the upper sides of the two panels, the bottom sides of the two panels being capable to rest and contact with a horizontal support surface (i.e., the ground), an opening (34) providing an amusement feature on the fabric of the angled panel, and a base (32) providing a support panel coupling the bottom of two panels in a space separately. Although Stewart does not define the one of the two panels being positioned vertically to the horizontal surface when the structure is deployed on the horizontal surface, Steward teaches the base (32) having strips (50, 52) for adjusting the space between the bottom sides of the panels such that the angle between two panels therefore is capably adjusted. Further, Bates teaches a foldable structure comprising a front panel (6) and a rear panel (8) having upper sides being hingedly coupled together and having bottom sides being spaced apart coupled together by a base (10), wherein the front panel (6) is larger sized than the rear panel (8) (see Fig. 3) such that the rear panel is disposed vertically with respect to the base, and the front panel is disposed angularly with respect to the rear panel, and both bottom sides of the rear and front panels are capably rested on a support

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surface. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the collapsible structure of Stewart having one panel being disposed vertically and another panel being angularly coupled to the vertical panel with a desirable angle and both of bottom sides of the panels being capable rest on a horizontal support surface as taught by Bates to provide a collapsible structure having two panels being stabilizingly coupled together with a suitable angle to provide a desirable configuration to accommodate various applications since applicant has not disclosed that a collapsible structure having two panels angularly coupled together with one panel being disposed vertically provides an advantage, is used for a particular purpose, or solves a stated problem. And, it has been common practice to one skill in the art to couple two panels together with various angles adjustments since there is not further support has been claimed.

3. Claims 17- 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent No. 8-57164 in view of Bates '069.

The Japanese reference shows and teaches a collapsible structure comprising two panels (2) each having a loop of foldable frame member (5) having a folded and unfolded orientation, a fabric material (6) covering the frame member to form a flat panel when the frame member is in the unfolded orientation, each frame member (5) of the panel being mounted along a sleeve (6a) of along the fabric material, each panel (2) being collapsed to a small sized by twisting and folding the frame member (see Fig. 5), the two panels having top sides being hingedly coupled together along the sleeve (6a) such that the top side one of the panel is considered hingedly and angularly coupled to the fabric (the sleeve) of another panel, the two panels having a bottom

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being adapted to rest and contact with a horizontal surface, an opening (7) providing an amusement feature on the fabric of either one of the panel, and a base (3) providing a support panel coupling the bottom of two panels to maintain the panels being angularly coupled together in an predetermined angle when the structure is deployed on the horizontal surface. Japanese patent further discloses the angle between the two panels would be adjusted, and one of the panels would be positioned vertical and another would be positioned angularly to the vertical panel (See Fig. 4). Although Japanese does not define two panels having different size and one of the two panel being positioned vertically to the horizontal surface when the structure is deployed on the horizontal surface, Bastes teaches a collapsible structure comprising a first panel (8) and a second panel (6) each having top and bottom sides, the first panel (8) being disposed vertically with respect to a horizontal surface, the second panel (6) being hingedly and angularly coupled vertical first panel at the top sides of the panels, the two panels having the bottom sides being separately coupled together by a support panel (10) connected therebetween, the first panel having a size larger than the second panel (8) such that the first panel and the second panel the bottom sides being capably rested on the horizontal support surface while the second panel being angularly coupled to the vertical first panel in a suitable angle in an fully erected position. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the collapsible structure of Japanese Patent having two panels with different sizes and with one panel being vertically positioned on a horizontal surface and another panel being angularly coupled to the vertical panel at an angle with respect to the vertical panel as taught by Bates for providing the structure with an interior area having sufficiently height and width in the deployed position as desirable to accommodate various

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requirement of various applications. Since applicant has not disclosed that a collapsible structure having two panels angularly coupled together with one panel being disposed vertically provides an advantage, is used for a particular purpose, or solves a stated problem, it has been common practice to one skill in the art to perform equal well of the claimed invention having two panels adjustably coupled together with various angled configurations since there is not further support has been claimed.

Response to Argument

4. Applicant's arguments filed November 10, 2005 have been fully considered but they are not deemed to be persuasive.

In response to applicant 's argument that UK Patent to Stewart and JP patent do not disclose a vertical panel when the structure is in a fully erected position as now claimed, we agreed so otherwise the rejection will be under 35 U.S.C 102 statuses. However, as discussed set forth above rejection, in claims 1-18, applicant only claims two panels being hingedly coupled together without any other support, and Stewart teaches a collapsible structure, after adjusting the length of the base, the two panels being hingedly coupled together as claimed. Bates teaches a collapsible structure having two hingedly coupled panels, wherein one panel (6) has a size larger than another panel (8), as old and well known in the art, the large panel would be angularly coupled to a vertical panel to provide two panels being angled together and could be rested on a support surface in a stabilizing configuration. Regardless, it would have been obvious to one ordinary skill in the art at the time the invention was made to modify the collapsible structure of Stewart or Japanese Patent to have two panels angularly coupled together in a desirable angle after fully erected position as taught by Bates.

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Therefore, the rejections are still granted.

ACTION IS FINAL

5. Applicant's amendment necessitated the new grounds of rejection. Accordingly, THIS ACTION IS MADE FINAL. See M.P.E.P. ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. ' 1.136(a).

A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. ' 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.


Inquiry Contacts

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Winnie Yip
Primary Examiner
Art Unit 3636

way
January 31, 2006